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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,154	11/20/2003	Pierre Nobs	36240	9002

116 7590 05/17/2006

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EXAMINER

KAYES, SEAN PHILLIP

ART UNIT PAPER NUMBER

2841

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,154

Applicant(s)

NOBS, PIERRE

Examiner

Sean Kayes

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to because of the following informalities:
2. As amended claim 15 has a grammatical error. The term "graphic symbols" is repeated twice.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Will (US 5477508.)
5. With respect to claim 1 Will discloses a digital watch, comprising a digital display (P1, picture I.), said display comprising a first line of alphanumeric characters (P2) and a second line of alphanumeric characters (P3), said watch further comprising control means (microprocessor 20, figure 3a, also shown in picture II. as P4) for keeping and displaying the current time on said digital display and an interface device (P5, picture III.) sensitive to rotation around its axis and connected to said control means (The interface is sensitive to rotation around its rotational axis.)

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I.

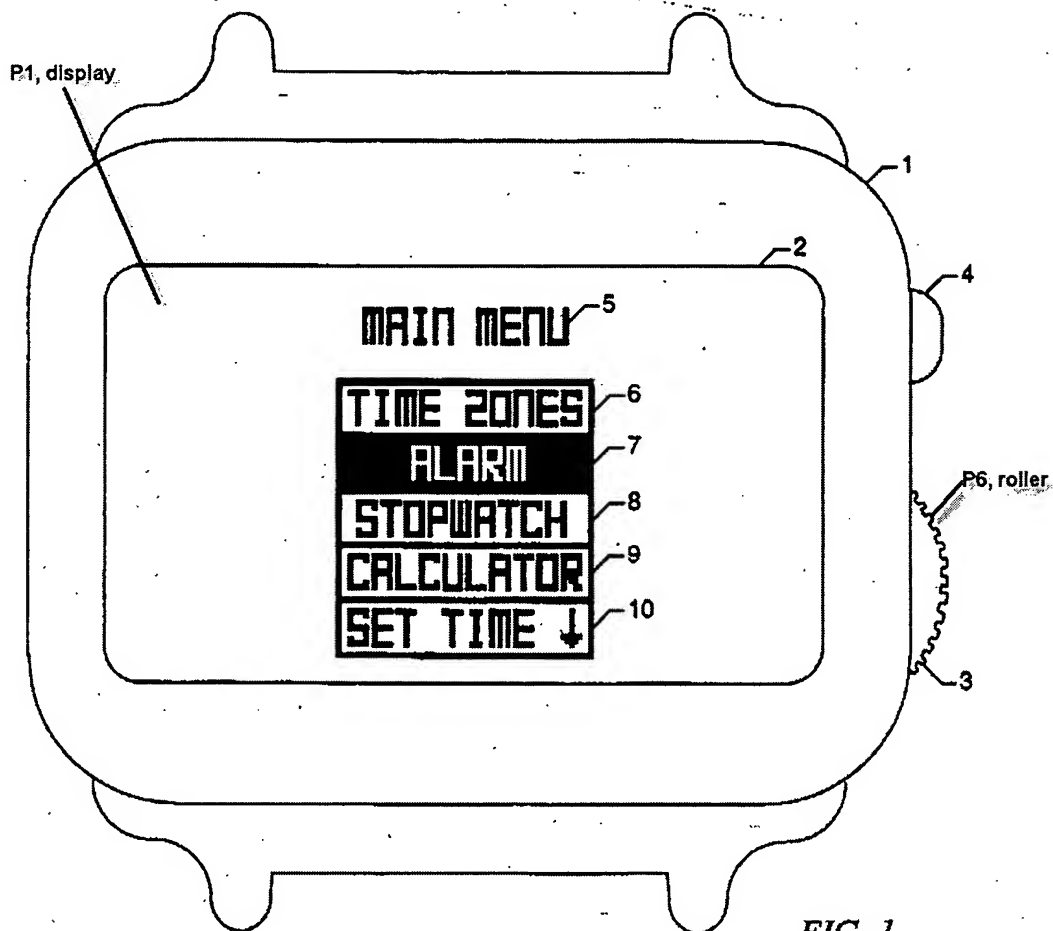


FIG. 1

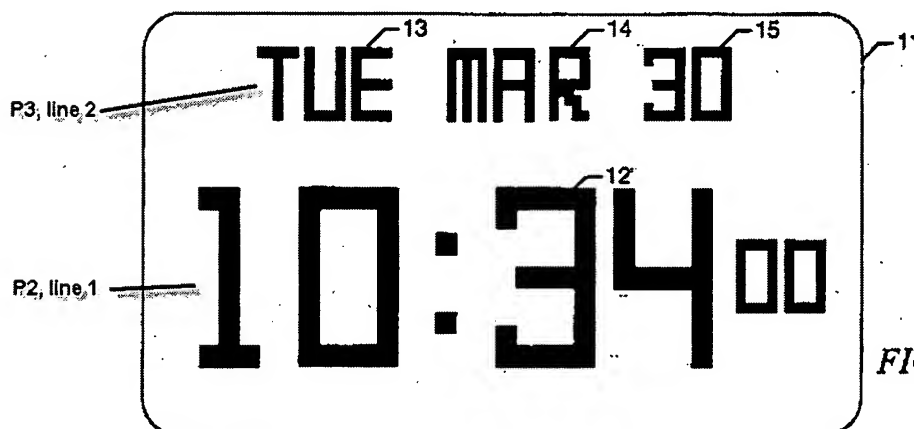
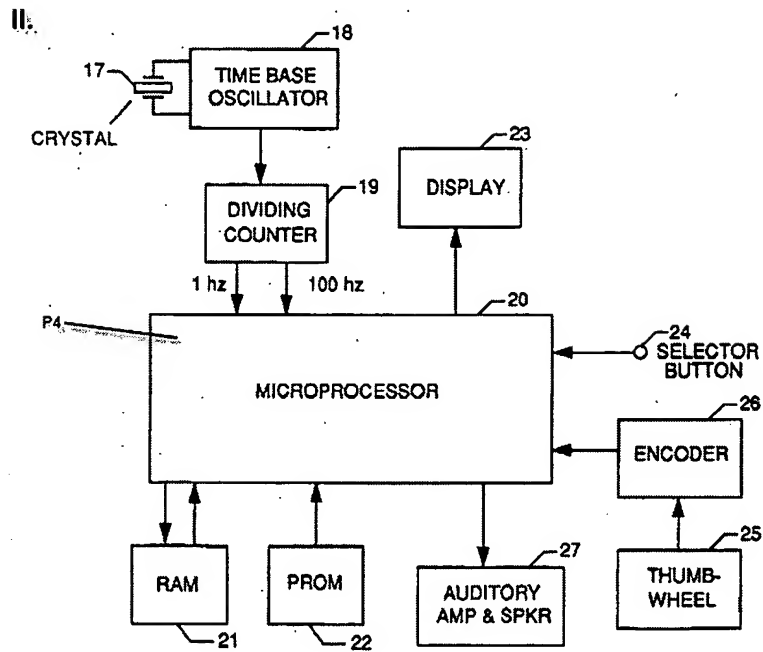
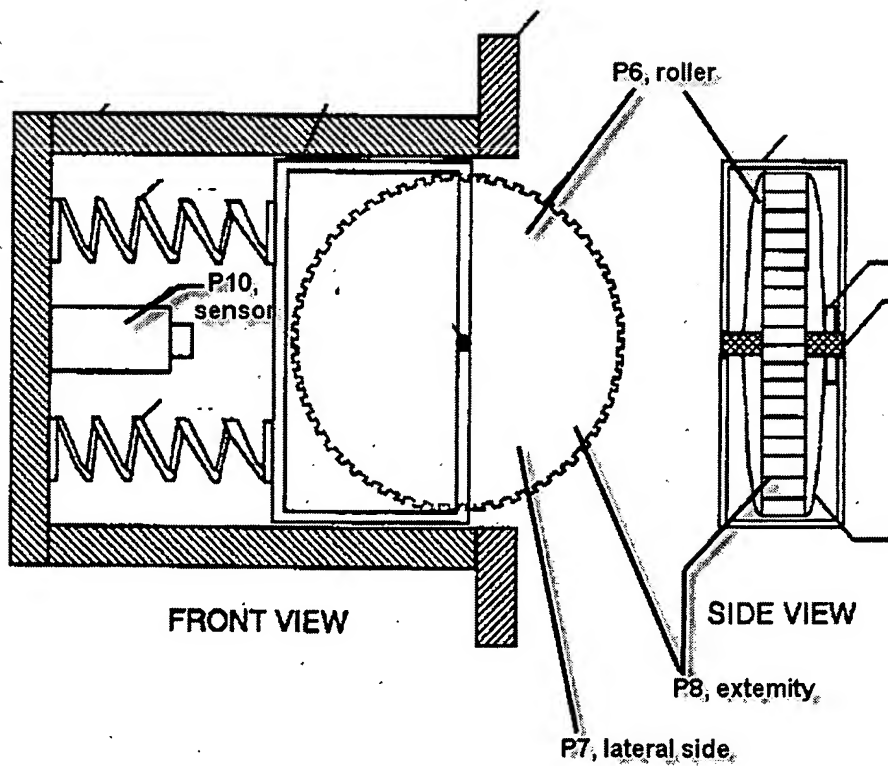


FIG. 2



III. P5, Interface device



6. With respect to claim 2 Will discloses the digital watch according to the claim 1, wherein said control means are arranged to supply a plurality of functions (see picture I.) and wherein the current time is always displayed on said first line of alphanumeric characters and the indications relative to said functions are optionally displayed on said second line of alphanumeric characters (functional language fails to distinguish over Will.)

7. With respect to claim 3 Will discloses the digital watch according to claim 1, wherein said interface device is a roller (P6, picture III.) fastened on the face side of said watch, so as to be capable of turning around its axis, said roller having at least one sector of its lateral surface (P7) accessible for allowing the rotation around the axis of the roller to be communicated with a finger tip, said roller (P6) having an extremity (P8) accessible for allowing an axial pressure to be exerted with a finger tip.

8. With respect to claim 4 Will discloses the digital watch according to claim 2, wherein said functions comprise a standard display mode and at least one additional mode from among: calendar (displayed on line 2, P3, of picture I.), alarm (7, picture I.), countdown, second time zone (6, picture I.) and chronograph (8, picture I.).

9. With respect to claim 5 Will discloses the digital watch according to claim 4, comprising at least one time zone function (6, picture I.) for keeping and displaying the time of an auxiliary time zone and the time of a main time zone, wherein said time zone function comprises a second display option wherein said time of an auxiliary time zone is displayed on said first line of alphanumeric characters and said time of a main time zone is displayed on said second line of alphanumeric characters (fig 9b.)

10. With respect to claim 6 Will discloses the digital watch according to claim 5, comprising an alarm function (7, picture I.), wherein the alarm is triggered according to said time of a main time zone when said second display zone is inactive and the alarm is triggered according to said time of an auxiliary time zone when said second display option is active (functional language fails to distinguish over Will.)

11. With respect to claim 7 Will discloses the digital watch according to claim 1, wherein said control means (P5, picture II.) are capable of discriminating between a short pressure and a prolonged pressure on said interface device (a microprocessor is capable of distinguishing between a long duration signal from a sensor and a short duration signal from a sensor.)

12. With respect to claim 8 Will discloses the digital watch according to claim 2, wherein all the parameter definitions and the function selection are performed only by rotation and pressure of said interface device (Figure 6 discloses an embodiment in which interface device P5 is the sole means of selection and user input.)

13. With respect to claim 9 Will discloses a method of management and control of a watch according to claim 2, comprising the steps of: reacting to the rotation of said interface device by selecting in a cyclical fashion an operating mode from among a set of operating modes (figure 1), each of said operating modes corresponding to one of said functions supplied by the control module (figure 1 and figures 9a-11j); displaying the indications relative to the function corresponding to the selected operating mode on said second line of alphanumeric characters (items 142 fig 11b, 163 fig 11e, and 152 fig 11d.)

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14. With respect to claim 10 Will discloses the method according to claim 9, wherein at least one of said operating modes comprises a subsidiary definition mode and reacts to pressure exerted on said interface device (P5) by activating said subsidiary definition mode (figure 11e and 11f show an operating mode with a subsidiary definition mode and figure 6 shows an embodiment wherein interface device 36, P5 picture III, is the only means of input/selection.)

15. With respect to claim 11 Will discloses the method according to claim 10, wherein said at least one operating mode comprising a subsidiary definition mode reacts to a prolonged pressure exerted on said interface device by activating said subsidiary definition mode (Will's invention would react the same to a prolonged pressure as it would to a short pressure exerted on said interface.)

16. With respect to claim 12 Will discloses the method according to claim 9, wherein at least one of said operating modes is adapted for keeping and displaying the time of an auxiliary time zone (fig 9b) and the time of a main time zone and reacts to pressure exerted on said interface device by activating a second display option, in which said time (65, fig b) of an auxiliary time zone is displayed on said first line of alphanumeric characters and said time of a main time zone (63, figure 9b) is displayed on said second line of alphanumeric characters (this transition may be obtained by changing the primary time to the separate time zone through the set time and set time zone diff menus, using interface device P5.)

17. With respect to claim 13. Method according to claim 12, wherein one of said operating modes is an alarm mode (fig 10c) for triggering an acoustic signal at a

predetermined alarm time, wherein said signal is triggered according to said time of a main time zone when said second display option is inactive and said signal is triggered according to said time of an auxiliary time zone when said second display option is active (alarm functions according to the primary time. Primary time may be switched with the secondary time zone through inputs to the interface device in set time zone difference and set time menu options.)

18. With respect to claim 14 Will discloses a computer product comprising a computer program stored in the memory of a digital processor, comprising software portions for performing the method of claim 9 when it is executed on said digital processor. (The operation of claim 9 is performed by the microprocessor 20 figure 3a and its memory 21 and 22 figure 3a. Additionally see the rejection to claim 9 above.)

19. With respect to claim 15 Will discloses the digital watch according to claim 1, wherein said display can also display other non-alphanumeric graphic symbols graphic symbols (item 10 figure 1 shows a non-alphanumeric arrow symbol.)

Response to Arguments

20. Applicant's arguments filed 3/27/2006 have been fully considered but they are not persuasive.

21. With respect to the applicant's first argument the applicant asserts that the present invention discloses a rotating roller, which can be translated by an inward pressure of the finger, in a direction parallel to the rotation axis. This is true. However, this limitation is not in the claim language.

22. With respect to applicant's second argument applicant asserts that claim 1 has been amended to stat that the interface device is sensitive to a pressure along the direction of its rotation axis. The amended claim 1 does not express this limitation. Additionally applicant's attention should be directed to the mentioned pertinent prior art of the previous office action.

23. With respect to applicant's third argument applicant asserts that claim 3 has been amended to state that pressure is allowed along the direction of the rotation axis of the roller. This is untrue. Applicant's amended claim 3 includes a requirement for allowing "the rotation around the axis of the roller" not allowing pressure along the direction of the rotation axis of the roller. Additionally the Will reference allows for axial pressure while still maintaining functionality.

Conclusion

24. The cited prior art on the 892 is the pertinent prior art of the previous office action.

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571)272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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5/4/2006


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